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DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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1990/27. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

The Commission on Human Rights,

Conscious of the need to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 36/55 of 25 November 1981, in which the Assembly proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Noting General Assembly resolution 44/131 of 15 December 1989, in which the Assembly requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration and to report, through the Economic and Social Council, to the General Assembly at its forty-fifth session,

Noting also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/23 of 31 August 1989,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Recognizing the valuable contribution that can be made to the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief by activities undertaken on a regional basis,

Recognizing also that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion and belief,

Recalling its resolutions 1988/55 of 8 March 1988 and 1989/44 of 6 March 1989, in which it requested the Sub-Commission to prepare a working paper comprising a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief and to examine the issues and factors to be considered before any drafting of a further binding international instrument on freedom of religion takes place, and to report thereon to the Commission at its forty-sixth session,

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Taking note with appreciation of the working paper prepared in response to the Commission's request by Mr. Theo van Boven, member of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1989/32),

Recalling its decision in resolution 1988/55 to extend for two years the mandate of the Special Rapporteur of the Commission appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate,

Having carefully examined the report of the Special Rapporteur Mr. Angelo Vidal D'Almeida Ribeiro (E/CN.4/1990/46),

Seriously concerned that intolerance and discrimination on the grounds of religion or belief continue to occur in many parts of the world, as outlined in the aforementioned report of the Special Rapporteur,

Believing that further efforts are therefore required in order to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of intolerance and of discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a right guaranteed to all without discrimination;

2. Expresses its thanks to the Special Rapporteur and takes note of his report and the various views expressed thereon during the forty-sixth session of the Commission;

3. Urges States, in accordance with their respective constitutional systems and with such internationally accepted instruments as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to provide, where they have not already done so, adequate constitutional and legal guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief,

4. Also urges all States to take all appropriate measures to combat intolerance and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief and, in this context, to examine,

where necessary, the supervision and training of their civil servants, educators and other public officials to ensure that, in the course of their official duties, they respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

5. Invites the United Nations University and other academic and research institutions to undertake programmes and studies on the encouragement of understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief, and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

7. Invites, therefore, the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, in all official languages of the United Nations and in national languages, and to take all appropriate measures to make the text available for use by the United Nations information centres as well as by other interested bodies;

8. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, including at the Second International Conference on this topic held in Warsaw in May 1989;

9. Requests the Secretary-General in this context to invite interested non-governmental organizations to consider what further role they could envisage playing in the dissemination of the Declaration in national and local languages;

10. Welcomes with appreciation the working paper prepared by Mr. Theo van Boven, member of the Sub-Commission, which contains a compilation of provisions relevant to the elimination of intolerance and discrimination based on religion or belief, as well as the issues and factors to be considered before any drafting of a further binding international instrument;

11. Decides to extend for two years the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world which are inconsistent with the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and to recommend remedial measures, as appropriate;

12. Invites the Special Rapporteur, in carrying out his mandate, to continue to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him, to seek the views and comments of the Government concerned on any information which he intends to include in his report and to carry out his work with discretion and independence;

13. Calls upon Governments which have not done so to co-operate with the Special Rapporteur, inter alia, by responding expeditiously to requests for such views and comments, and, in this connection, calls especially for the co-operation of the Governments whose failure to respond has been noted in successive reports of the Special Rapporteur;

14. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to enable him to report to the Commission at its forty-seventh session;

15. Requests also the Secretary-General to report to the Commission at its forty-seventh session on measures to implement the present resolution;

16. Decides to continue its consideration of the question at its forty-seventh session under the agenda item entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief".

48th meeting
2 March 1990

[Adopted without a vote. See chap. 23.]

1990/28. Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The Commission on Human Rights,

Recalling article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975,

Recalling further General Assembly resolution 39/46 of 10 December 1984, by which the Assembly adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and called upon all Governments to consider signing and ratifying the Convention as a matter of priority,

Bearing in mind its resolution 1989/29 of 6 March 1989 and General Assembly resolution 44/145 of 15 December 1989,

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment,

Welcoming the adoption by the General Assembly, in its resolution 43/173 of 9 December 1988, of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Determined to promote full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling its decisions, in resolution 1985/33 of 13 March 1985, to appoint a special rapporteur to examine questions relevant to torture, and its subsequent decisions to continue his mandate,

1. Welcomes the second report of the Committee against Torture (A/44/46);

2. Takes note of the report of the Secretary-General (E/CN.4/1990/15) on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

3. Stresses the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and appeals to all States parties not to take any measures which might impair the financing of all the functions of the Committee under the Convention, so as to ensure the long-term viability of the Committee as an essential mechanism for overseeing the effective implementation of the provisions of the Convention;

4. Also stresses the need for the Committee against Torture to give early attention to the development of an effective reporting system on implementation by States parties to the Convention, taking due account of the Secretary-General's draft guidelines on reporting and the activities of the Human Rights Committee, as well as of the other treaty bodies established under the relevant international instruments in the field of human rights;

5. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

6. Reiterates its request to all States to become parties to the Convention as a matter or priority;

7. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to consider the possibility of making the declaration provided for in articles 21 and 22 of the Convention;

8. Requests the Secretary-General to continue submitting to the General Assembly and to the Commission on Human Rights annual reports on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

9. Decides to consider the report of the Secretary-General at its forty-seventh session under the sub-item of the agenda entitled "Torture and other cruel, inhuman or degrading treatment or punishment".

48th meeting
2 March 1990

[Adopted without a vote. See chap. X]

1990/29. United Nations Voluntary Fund for Victims of Torture

The Commission on Human Rights,

Recalling Article 5 of the Universal Declaration of Human Rights and Article 7 of the International Covenant on Civil and Political Rights, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also General Assembly resolution 36/151 of 16 December 1981, in which the Assembly noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture, and General Assembly resolution 44/145 of 15 December 1989,

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Bearing in mind its resolution 1989/30 of 6 March 1989,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and their families,

Taking note of the information provided by the Secretary-General on the activities of the United Nations Voluntary Fund for Victims of Torture (A/44/708),

Noting the statement of the Board of Trustees concerning the desirability of receiving contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes that the Fund has been instrumental in bringing into existence,

Noting with satisfaction that international centres for rehabilitation of torture victims have been established and play an important role in providing assistance to victims of torture,

Noting, in this regard, the collaboration of the Fund with the international centres for rehabilitation,

1. Expresses its appreciation to the Board of Trustees of the Fund for the work it has carried out;

2. Expresses its gratitude and appreciation to those Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

3. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis;

4. Renews its request to the Secretary-General to transmit to all Governments the Commission's appeal for contributions to the Fund;

5. Again requests the Secretary-General to make use of all existing possibilities to assist the Board of Trustees of the Fund, inter alia, through the preparation, production and dissemination of information material, in its efforts to make the Fund and its humanitarian work better known;

6. Further requests the Secretary-General to keep the Commission informed of the operations of the Fund on an annual basis.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/30. Question of enforced or involuntary disappearances

The Commission on Human Rights,

Bearing in mind General Assembly resolution 33/173 of 20 December 1978, in which the Assembly requested the Commission on Human Rights to consider the question of disappeared persons with a view to making appropriate recommendations, and all other United Nations resolutions concerning missing or disappeared persons,

Convinced of the need to continue the implementation of the provisions of General Assembly resolution 33/173 and of the other United Nations resolutions on the question of enforced or involuntary disappearances,

Recalling its resolution 20 (XXXVI) of 29 February 1980, by which it decided to establish a working group consisting of five of its members, to serve as experts in their individual capacity, to examine questions relevant to enforced or involuntary disappearances, and its resolutions 1986/55 of 13 March 1986, 1987/27 of 10 March 1987, 1988/34 of 8 March 1988 and 1989/27 of 6 March 1989,

Recalling also its decision 1986/106 of 13 March 1986 by which it invited the Sub-Commission on Prevention of Discrimination and Protection of Minorities to reconsider the question of a declaration against unacknowledged detention of persons,

Recalling further General Assembly resolutions 42/142 of 7 December 1987 and 43/159 of 8 December 1988, in which the Assembly welcomed the decision of the Commission on Human Rights to extend for two years, on an experimental basis, the term of the mandate of the Working Group on Enforced or Involuntary Disappearances, while maintaining the principle of annual reporting by the Working Group,

Concerned by the growing number of reports concerning harassment of witnesses of disappearances or relatives of disappeared persons,

Profoundly concerned at the fact that the practice of enforced or involuntary disappearances continues in various regions of the world,

Having considered the report of the Working Group (E/CN.4/1990/13),

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for the way in which it has done its work, and thanks the Working Group for submitting to the Commission at its forty-sixth session a report in accordance with its resolution 1989/27;

2. Takes note of the report of the Working Group and thanks it for continuing to improve its methods of work and for recalling the humanitarian spirit underlying its mandate;

3. Decides to extend for two years the term of the mandate of the Working Group as defined in Commission resolution 20 (XXXVI) so as to enable the Working Group to take into consideration all the information that may be transmitted to it concerning the cases brought to its attention, while maintaining the principle of annual reporting by the Working Group;

4. Requests the Working Group to report on its work to the Commission at its forty-seventh session and reminds the Working Group of the obligation to discharge its mandate in a discreet and conscientious manner;

5. Also requests the Working Group, in its efforts to help eliminate the practice of enforced or involuntary disappearances, to present to the Commission all appropriate information it deems necessary and all concrete suggestions and recommendations regarding the fulfilment of its task;

6. Reminds the Working Group of the need to observe, in its humanitarian task, United Nations standards and practices regarding the receipt of communications, their consideration, their evaluation, the transmittal to Governments of all communications received and the consideration of Government replies;

7. Expresses its appreciation to the Working Group on Detention of the Sub-Commission for the progress made in 1989 in preparing the first draft of a declaration on enforced or involuntary disappearances and invites the Sub-Commission to finalize the draft as soon as possible with a view to submitting it to the Commission;

8. Notes with concern that, as the Working Group points out in its report, some Governments have never provided substantive replies concerning disappearances alleged to have occurred in their country;

9. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced or involuntary disappearance has occurred in a territory under their jurisdiction;

10. Urges the Governments concerned, particularly those which have not yet responded to communications transmitted to them by the Working Group, to co-operate with and assist the Working Group so that it may carry out its mandate effectively, and in particular to answer expeditiously requests for information addressed to them by the Working Group;

11. Also urges the Governments concerned to intensify their co-operation with the Working Group in regard to any measure taken in pursuance of recommendations addressed to them by the Group;

12. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subject;

13. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their country, so as to enable the Group to fulfil its mandate even more effectively;

14. Urges Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is guaranteed, particularly as regards the prevention of enforced or involuntary disappearances;

15. Expresses its profound thanks to the Governments which have co-operated with the Working Group and responded to its requests for information;

16. Also expresses its profound thanks to the Governments which have invited the Working Group, and asks them to give all necessary attention to its recommendations;

17. Requests the Secretary-General to ensure that the Working Group receives all necessary assistance, in particular the staff and resources it requires to perform its functions, especially in carrying out missions or holding sessions in countries which would be prepared to receive it;

18. Decides to consider this question at its forty-seventh session under the sub-item of the agenda entitled "Question of enforced or involuntary disappearances".

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/31. Staff members of the United Nations and the specialized agencies in detention

The Commission on Human Rights,

Recalling General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988 and 44/186 of 19 December 1989, in which the Assembly deplored the increase in the number of cases where the functioning, safety and well-being of officials had been adversely affected, including cases of

detention in Member States and abduction by armed groups and individuals, and the increasing number of cases in which the lives and well-being of officials had been placed in jeopardy during the exercise of their official functions,

Recalling its resolution 1989/28 of 6 March 1989, in which it requested the Secretary-General to continue his efforts to ensure that the human rights and privileges andd immunities of the United Nations staff members and experts and their families were fully respected, and to present to the forty-sixth session of the Commission an updated version of the report submitted to it at its forty-fifth session on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Taking note with appreciation of the preliminary report on the protection of human rights of United Nations staff members, experts and their families (E/CN.4/Sub.2/1989/28), presented to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, at its forty-first session, by one of its members,

Welcoming the Sub-Commission's decision to invite one of its members to continue her study so as to submit to it, at its forty-second session, an updated version of the aforesaid report,

Considering that at a time when the United Nations is being called upon to undertake greater responsibilities in various parts of the world, it is imperative that its staff members are able to perform their duties with the assurances that their human rights and privileges and immunities will be fully respected, in accordance with the relevant provisions of the Charter of the United Nations and other international instruments,

Gravely concerned that a significant number of United Nations staff members, experts and their families continue to be held captive or are otherwise unaccounted for,

Noting the need for updated and complete information on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results concerning the security of United Nations staff members, experts and their families,

1. Appeals again to Member States to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to continue his efforts to ensure that the human rights and privileges and immunities of the United Nations staff members, experts and their families are fully respected;

3. Urges Member States, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members, experts and their families, and to grant the representative of the competent international organization access to them without delay;

4. Also urges Member States to allow medical teams to investigate cases in which the health of staff members and experts and their families who are being detained is reported to have suffered and to permit the necessary medical treatment to be made available;

5. Calls upon Member States to allow the representative of the competent international organization to attend any hearing concerning United Nations staff members, experts and their families;

6. Requests the Secretary-General to submit to the Commission at its forty-seventh session an updated version of the report presented to the forty-fifth session on the situation of United Nations staff members, experts and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled since the presentation of the last report, as well as on the implementation of the measures referred to in paragraphs 3 and 4 of the present resolution.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X]

1990/32. Right to freedom of opinion and expression

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, which affirms the right to freedom of opinion and expression,

Mindful of the International Covenant on Civil and Political Rights, which reaffirms, in article 19, the right of everyone to hold opinions without interference, as well as the right to freedom of expression, and states that the exercise of these rights carries with it special duties and responsibilities and may therefore be subject to certain restrictions, but that these shall only be such as are provided by law and are necessary for respect of the rights or reputations of others, or for the protection of national security or public order (ordre public), or of public health and morals,

Mindful also that the International Covenant on Civil and Political Rights states that any propaganda for war or any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1983/32 of 6 September 1983,

Recalling its resolution 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 and 1989/56 of 7 March 1989,

Having examined the working paper on the right to freedom of opinion and expression (E/CN.4/Sub.2/1989/26), prepared by Mr. Danilo Türk in accordance with Sub-Commission decision 1988/110 of 1 September 1988,

Noting the views expressed by Mr. Türk in his working paper including those on the intrinsic link between the right to freedom of opinion and expression and those rights contained in articles 18, 21, 22 and 25 of the International Covenant on Civil and Political Rights, namely the rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and to take part in the conduct of public affairs,

Noting also the importance and relevance to the protection of the right to freedom of opinion and expression of work being undertaken on the drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect human rights, and welcoming the progress achieved to that end at the current session of the Commission's working group on the subject,

Considering that the effective promotion of the human rights of persons who exercise the right to freedom of opinion and expression is of fundamental importance to the safeguarding of human dignity,

1. Expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the right to freedom of opinion and expression as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

2. Also expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who exercise the intrinsically linked rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and to take part in the conduct of public affairs as affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

3. Further expresses its concern at the extensive occurrence in many parts of the world of detention of, or discrimination against, persons who seek to promote and defend these rights and freedoms;

4. Welcomes the release of persons detained for exercising these rights and freedoms, and encouraging further progress in this regard in all parts of the world;

5. Appeals to all States to ensure respect and support for the rights of all persons who exercise the right to freedom of opinion and expression and the rights to freedom of thought, conscience and religion, of peaceful assembly and freedom of association and to take part in the conduct of public affairs; or who seek to promote and defend these rights and freedoms and, where any persons have been detained solely for exercising these rights as laid down in the International Covenant on Civil and Political Rights, to release them immediately;

6. Appeals also to all States to ensure that persons seeking to exercise these rights and freedoms are not discriminated against, particularly in such areas as employment, housing and social services, or harassed;

7. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/14 of 31 August 1989, in which the Sub-Commission requested Mr. Louis Joinet and Mr. Danilo Türk to prepare a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

8. Requests the Secretary-General to provide the two Special Rapporteurs with all necessary assistance;

9. Decides to review this matter at its forty-seventh session on the basis, inter alia, of the preliminary report of the Special Rapporteurs to the forty-second session of the Sub-Commission and any decisions adopted by the Sub-Commission in this regard;

10. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling the Commission on Human Rights resolutions 1984/26 of 12 March 1984, 1985/17 of 11 March 1985, 1986/46 of 12 March 1986, 1987/32 of 10 March 1987, 1988/37 and 1988/39 of 8 March 1988, 1989/31 of 6 March 1989 and 1989/56 of 7 March 1989,

"Recalling also the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities 1988/110 of 1 September 1989 and its resolution 1989/15 of 31 August 1989,

"Taking into account the working paper on the right to freedom of opinion and expression prepared by Mr. Danilo Türk,

"1. Endorses the decision of the Sub-Commission to entrust Mr. Louis Joinet and Mr. Danilo Türk, members of the Sub-Commission, with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion;

"2. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteurs to carry out the said study;

"3. Requests the Special Rapporteurs to submit a preliminary report on their study to the Sub-Commission for consideration at its forty-second session and to the Commission on Human Rights for comments at its forty-seventh session."

48th meeting
2 March 1990

[Adopted without a vote. See chap. X]

1990/33. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Guided by the principles embodied in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Recalling the adoption by the Economic and Social Council in its resolution 1989/60 of 24 May 1989 of the Procedures for Effective Implementation of the Basic Principles on the Independence of the Judiciary,

Recalling also its own resolution 1989/32 of 6 March 1989 in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider effective means to monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

Convinced that an independent and impartial judiciary is an essential prerequisite for ensuring that human rights are protected and that there shall be no discrimination in the administration of justice,

Aware that adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession,

Disturbed at the continued harassment and persecution of judges and lawyers in many countries,

1. Calls on Governments to respect the independence of the judiciary and ensure the protection of practising lawyers, prosecutors and judges against undue restrictions and pressures in the exercise of their functions;

2. Welcomes the close co-operation between the Centre for Human Rights and the Centre for Social Development and Humanitarian Affairs on matters relating to human rights in the administration of justice, in accordance with its own resolutions 1987/33 of 10 March 1987, 1988/33 of 8 March 1988 and 1989/24 of 6 March 1989;

3. Endorses Sub-Commission resolution 1989/22 of 31 August 1989 in which the Sub-Commission invited Mr. Louis Joinet to prepare a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers;

4. Requests the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers;

5. Takes note with satisfaction that the Committee on Crime Prevention and Control has taken into account the draft declaration prepared by the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers in completing its elaboration of the draft basic principles on the role of lawyers, as requested by the Commission in its resolution 1989/32;

6. Recommends that the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990 consider, as a matter of priority, the draft basic principles on the role of lawyers elaborated by the Committee on Crime Prevention and Control, with a view to their adoption;

7. Decides to consider the question of the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment" at its forty-seventh session.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X]

1990/34. Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur

The Commission on Human Rights,

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the Declaration on the Protection of All Persons from Being Subjected to Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly by its resolution 3452 (XXX) of 9 December 1975,

Noting with pleasure that the number of States which have become parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is steadily increasing,

Taking note with satisfaction of the establishment of the Committee which is provided for in the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and which began its work on 13 November 1989,

Seriously concerned, however, about the persistence of an alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world,

Recalling its resolution 1985/33 of 13 March 1985, by which it decided to appoint for one year a special rapporteur to examine questions relevant to torture, and its resolutions 1986/50 of 13 March 1986 and 1987/29 of 10 March 1987, by which that mandate was extended annually,

Recalling also its resolution 1988/32 of 8 March 1988, by which it decided to continue the mandate of the Special Rapporteur for two years, while maintaining the annual reporting cycle,

Noting that, on 18 April 1989, the Rapporteur had an exchange of views with the Committee against Torture established under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recognizing that torture constitutes a criminal obliteration of the human personality which can never be justified under any circumstances, by any ideology or by any overriding interest and convinced that a society that tolerates torture can never claim to respect human rights,

Determined to promote the full implementation of the prohibition under international and national law of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that efforts to eradicate torture should first and foremost be concentrated on prevention,

Noting in this regard the importance of the provision of advisory services and technical assistance as forms of practical assistance to interested States with a view to enabling them to develop the necessary infrastructure to meet international human rights standards,

Recalling the Standard Minimum Rules for the Treatment of Prisoners, approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture or punishment

adopted by the General Assembly in its resolution 37/194 of 18 December 1982 and the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment approved by the General Assembly in its resolution 43/173 of 9 December 1988,

Recalling further the conclusions and recommendations of the Special Rapporteur underlined in its resolutions 1987/29, 1988/32 and 1989/33 of 6 March 1989,

1. Commends the Special Rapporteur on his report (E/CN.4/1990/17 and Add.1);

2. Underlines once again the previous conclusions and recommendations of the Special Rapporteur concerning the importance of instituting a system of periodic visits by independent experts to places of detention;

3. Welcomes the intention of the Special Rapporteur to keep himself informed of the work of and, as necessary, to seek contacts with the Committee established under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, for it believes that the work of this Committee will make it possible to gain useful experience which may make it easier to determine whether such a system of periodic visits can also be envisaged in other regions or on a world-wide scale;

4. Underlines again the conclusions of the Special Rapporteur stressing the importance of limiting, and eventually declaring illegal, incommunicado detention under national law, since the great majority of allegations refer to torture practised during incommunicado detention;

5. Underlines also the recommendation of the Special Rapporteur that legal provisions should be adopted prescribing that a person shall be given prompt access to a legal counsel after he has been arrested and making it obligatory promptly to inform the relatives of an arrested person of both the arrest and the place where the detainee is being held;

6. Underlines further the recommendation of the Special Rapporteur aiming at the organization of proper medical inspections for arrested or detained persons as promptly as possible after their admission to the place of detention and after every transfer to another place of detention;

7. Takes note of the recommendations of the Special Rapporteur that interrogation of detainees should take place only at official interrogation centres and that each interrogation should be recorded and start with the identification of all the persons present;

8. Underlines the repeated recommendations of the Special Rapporteur pertaining to the establishment at the national level of an independent authority able to receive complaints by individuals about torture or other severe maltreatment;

9. Endorses the recommendation of the Special Rapporteur that, whenever a person is found to be responsible for acts of torture or severe maltreatment, he should be brought to trial and, if found guilty, severely punished;

10. Recalls that it is desirable for Governments and medical associations to take strong action against all persons belonging to the medical profession who have in that capacity had a function in the practice of torture;

11. Calls upon all States to sign and to accede to or ratify as soon as possible the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and requests the Special Rapporteur to continue to promote universal accession to that Convention and to encourage all States to fulfil its provisions strictly;

12. Emphasizes the importance of training programmes for law and security personnel and draws the attention of interested Governments to the possibilities offered in this connection by the United Nations programme of advisory services in the field of human rights;

13. Decides to continue the mandate of the Special Rapporteur for another two years, while maintaining the annual reporting cycle in order to enable him to submit further conclusions and recommendations to the Commission;

14. Decides that the Special Rapporteur, in carrying out his mandate, shall continue to seek and receive credible and reliable information from Governments, as well as from specialized agencies, intergovernmental organizations and non-governmental organizations;

15. Considers it desirable that the Special Rapporteur should continue to have periodic consultations with the Committee against Torture, in particular with a view to establishing the procedures for co-operation and avoiding any overlapping in the activities of the United Nations in combating torture;

16. Invites the Special Rapporteur, in carrying out his mandate, to bear in mind the need to be able to respond effectively to credible and reliable information that comes before him and to carry out his work with discretion;

17. Appeals to all Governments to co-operate with and assist the Special Rapporteur in the performance of his tasks and to furnish all information requested;

18. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their country so as to enable him to fulfil his mandate even more effectively;

19. Expresses its thanks to the Governments which have invited the Special Rapporteur and requests them to give due consideration to his recommendations;

20. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur in order to enable him to submit his report to the Commission at its forty-seventh session.

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

1990/35. Compensation for victims of gross violations of human rights

The Commission on Human Rights,

Bearing in mind resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned over the substantial damages and acute sufferings caused to individuals, groups, communities and peoples as a result of gross violations of human rights and fundamental freedoms,

Recalling the United Nations standards for compensation so far adopted, in particular article 8 of the Universal Declaration of Human Rights, article 14, paragraph 6 of the International Covenant on Civil and Political Rights, article 6 of the International Convention on the Elimination of All Forms of Racial Discrimination, article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and articles 8 to 21 of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (General Assembly resolution 40/34, of 29 November 1985), as well as relevant provisions of regional human rights instruments,

Considering the importance of further developing international standards and of filling remaining gaps in order to ensure that victims of gross violations of human rights and fundamental freedoms have an enforceable right to restitution, compensation and rehabilitation, as appropriate, fully recognized at the international level.

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling resolutions 1988/11 of 1 September 1988 and 1989/13 of 31 August 1989 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and resolution 1990/ ... of ... 1990 of the Commission on Human Rights,

"Authorizes the Sub-Commission to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account, inter alia, relevant existing international human rights norms on compensation and judgements by courts, decisions and views of international human rights organs and bodies, with a view to exploring the possibility of developing basic principles and guidelines in this respect,

"Requests the Secretary-General to provide Mr. van Boven with all the assistance which he may require for the completion of his task."

48th meeting
2 March 1990

[Adopted without a vote. See chap. X.]

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Forty-sixth session
Agenda item 27

DRAFT REPORT OF THE COMMISSION

Rapporteur: Mr. Ross HYNES (Canada)

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1990/36. Hostage-taking

The Commission on Human Rights,

Recalling its resolution 27 (XXXVII) of 11 March 1981, in which it affirmed that the taking of hostages constituted a grave violation of human rights, exposing the hostages to privation, hardship, anguish and danger to life and health,

Recalling its resolutions 1986/49 of 12 March 1986, 1987/28 of 10 March 1987, 1988/38 of 8 March 1988 and 1989/26 of 6 March 1989, in which it condemned the taking of any person hostage,

Bearing in mind, among other things, Security Council resolutions 579 (1985) of 18 December 1985, 618 (1988) of 29 July 1988 and 638 (1989) of 31 July 1989 on hostage-taking, as well as the statement made by the President of the Security Council on 28 January 1987 (S/18641), again condemning all cases of hostage-taking,

Bearing in mind also the international instruments relating to human rights and other relevant international instruments,

Considering that everyone has the right to life, liberty and security, and that hostage-taking is a serious violation of fundamental rights and of the dignity of the human being,

Considering that arbitrary detention of persons is an unquestionable violation of human rights,

Alarmed by the number of cases of hostage-taking throughout the world, some of which have been going on for a long time, and by the odious practice they constitute,

Expressing its distress at these unacceptable displays of violence towards innocent victims and at the anxiety and suffering of the families concerned,

1. Strongly condemns the taking of any person hostage, whoever is responsible and whatever the circumstances, whether or not the hostage is chosen at random and whatever his nationality;

2. Censures the actions of all persons responsible for taking hostages, whatever their motives, and demands that they should immediately release those they are holding;

3. Appeals for the humanitarian action of the International Committee of the Red Cross and its delegates to be respected in all circumstances;

4. Calls upon States to take any measures necessary to prevent and punish the taking of hostages and to put an immediate end to cases of abduction and unlawful restraint on their territory;

5. Requests the Secretary-General, whenever so requested by a State, to employ all means at his disposal in order to secure the immediate release of persons held hostage;

6. Decides to remain seized of this question at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. X.]

1990/37. Use of force by law enforcement officials

The Commission on Human Rights,

Gravely disturbed by repeated incidences of excessive use of force by law enforcement officials in different parts of the world,

Sharing the views expressed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities in resolution 1989/33 of 1 September 1989,

1. Calls upon all Governments:

(a) To take into account and respect, within the framework of their national rules and regulations and practice United Nations standards on the use of force by law enforcement officials, and to ensure full implementation of these standards;

(b) To ensure that such international standards and the relevant national rules and regulations be made known and available in the languages of the country to practising lawyers, judges, prosecutors, and the general public;

(c) To include information on such international standards and national rules and regulations into the education and training programmes for law enforcement officials, and to enhance respect for those standards;

2. Requests the Secretary-General to help organize workshops and other meetings on issues relevant to the Code of Conduct of Law Enforcement Officials, including the provision of technical services in this area.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. X.]

1990/38. Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

The Commission on Human Rights,

Recalling its resolution 10 A (XXXIII) of 11 March 1977, by which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to study the question of the protection of persons detained on the grounds of mental ill-health, with a view to formulating guidelines,

Recalling also its resolution 1989/40 of 6 March 1989,

Taking note of Economic and Social Council resolution 1989/76 of 24 May 1989, by which the Council authorized an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of principles and guarantees submitted by the Sub-Commission with a view to submitting it to the Commission at its forty-sixth session,

Noting with appreciation the comments submitted to the Secretary-General on the draft body of principles and guarantees by Governments, specialized agencies, in particular the World Health Organization, and non-governmental organizations (E/CN.4/1990/53 and Add.1-4), and their participation in the open-ended Working Group,

Noting with satisfaction the progress made by the Working Group during its meeting prior to the forty-sixth session of the Commission,

Noting also the Working Group's view that there is a reasonable expectation that its task could be completed within an acceptable time-scale if it were authorized to meet for a further session of two weeks before the next session of the Commission and were then mandated to pursue its work in the same manner as before,

1. Takes note of the report of the Working Group on the Question of the Draft Body of Principles and Guarantees for the Protection of Mentally-Ill Persons and for the Improvement of Mental Health Care (E/CN.4/1990/31);

2. Decides to make available, prior to the forty-seventh session of the Commission, appropriate meeting time for the Working Group;

3. Invites the Working Group to pursue its work at that meeting in the same manner as before;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1990/38 of 6 March 1990,

"1. Authorizes an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the forty-seventh session of the Commission, with a view to continuing the examination, revision and simplification of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care, with a view to submitting it to the Commission on Human Rights at its forty-seventh session;

"2. Requests the Secretary-General to extend all facilities to the Working Group for its meeting prior to the forty-seventh session of the Commission, and to prepare and transmit to the Working Group a working paper covering the articles that remain to be discussed and taking account of the comments and suggestions made by Governments, specialized agencies and non-governmental organizations."

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/39. Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its resolutions 1983/41 of 9 March 1983, 1984/27 of 12 March 1984, 1986/9 of 10 March 1986 and, in particular, 1988/59 of 9 March 1988,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Recognizing the need to extend the benefits of science and technological developments to the developing countries,

Recognizing that the effects of scientific and technological developments on human rights and fundamental freedoms have both beneficial and harmful aspects and therefore must be examined in their totality,

Expressing its conviction that it would be useful to undertake a study on the most effective ways and means of using the results of scientific and technological developments for the promotion and realization of human rights and fundamental freedoms,

Taking into account the note by the Secretary-General (E/CN.4/1990/29) which informs that the completion of the study pursuant to Commission resolution 1988/59 has been delayed,

Invites the United Nations University, in co-operation with other interested academic research institutions, to submit to the Commission on Human Rights at its forty-seventh session a final report of its study on the positive and negative impacts of scientific and technological developments on human rights and fundamental freedoms, in accordance with resolution 1988/59 of the Commission on Human Rights.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/40. Human rights and scientific and technological developments

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Bearing in mind the relevant provisions of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Declaration on Social Progress and Development,

Conscious that it is only the creative genius of humankind that makes progress and the development of civilization possible in a peaceful environment, and that human life must be recognized as supreme,

Recalling the fundamental importance of the right to life,

Bearing in mind that the exchange and transfer of scientific and technological knowledge is one of the important ways to accelerate the social and economic development of the developing countries,

Recalling its relevant resolutions,

1. Calls upon all States to make every effort to use the achievements of science and technology in order to promote peaceful social, economic and cultural development and progress;

2. Recalls the historic responsibility of the Governments of all countries of the world to preserve civilization and to ensure that everyone enjoys his or her inherent right to life, and calls upon them to do their utmost to assist in implementing the right to life through the adoption of appropriate measures at both the national and the international levels;

3. Calls upon all States, appropriate United Nations bodies, specialized agencies and intergovernmental and non-governmental organizations concerned to take the necessary measures to ensure that the results of scientific and technological progress, the material and intellectual potential of humankind, are used for the benefit of humankind and for promoting and encouraging universal respect for human rights and fundamental freedoms;

4. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Human rights and scientific and technological developments".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/41. Human rights and the environment

The Commission on Human Rights,

Noting that scientific and technological progress is one of the decisive factors in the development of human society,

Convinced of the paramount importance of the application of science and technology to economic and social progress and to the promotion and enjoyment of human rights and fundamental freedoms,

Aware that increasing environmental degradation caused by the negative influence of scientific and technological development has led in some cases to irreversible changes in the environment, which threaten life-sustaining ecosystems and undermine health, well-being, development prospects and the very survival of life on the planet,

Convinced that the preservation of life-sustaining ecosystems under conditions of rapid scientific and technological development is of vital importance for the protection of the human species and the promotion of human rights,

Noting that everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions,

Also noting that the States parties to the International Covenant on Economic, Social and Cultural Rights recognized the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and agree, for that purpose, to take the steps necessary for the improvement of all aspects of environmental and industrial health,

Recalling General Assembly resolution 44/228 of 22 December 1989 on a United Nations Conference on Environment and Development to be held in Brazil in 1992,

Noting decision 1989/108 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities entitled "Human rights and the environment",

1. Welcomes the decision of the Sub-Commission to have a note prepared for its forty-second session on methods by which a study on the problems of the environment and its relation to human rights could be made;

2. Requests the Secretary-General to transmit this resolution to the Preparatory Committee of the United Nations Conference on Environment and Development, and to keep the Committee duly informed of the work in this field.

52nd meeting
6 March 1990

[Adopted by 40 votes to none, with 2 abstentions. See chap. XIV.]

1990/42. Guidelines on the use of computerized personal files

The Commission on Human Rights,

Bearing in mind General Assembly resolution 44/132 of 15 December 1989,

Having considered the revised version of the guidelines for the regulation of computerized personal data files prepared by the Special Rapporteur, Mr. Louis Joinet (E/CN.4/1990/72),

Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Bearing in mind General Assembly resolution 44/132 of 15 December 1989,

"Taking account of Commission on Human Rights resolution 1990/... entitled 'Guidelines on the use of computerized personal files',

"1. Expresses its appreciation to the Sub-Commission's Special Rapporteur, Mr. Louis Joinet, for the revised version of the guidelines for the regulation of computerized personal data files (E/CN.4/1990/72);

"2. Decides to transmit the final report of the Special Rapporteur to the General Assembly for final adoption;

"3. Requests the Secretary-General to bring the revised draft guidelines to the attention of all Governments;

"4. Recommends that the General Assembly should consider, as a matter of priority, the adoption and publication of the guidelines for the use of computerized personal files."

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIV.]

1990/43. Movement and dumping of toxic and dangerous products and waste

The Commission on Human Rights,

Recalling its resolution 1989/42 of 6 March 1989,

Taking into consideration General Assembly resolution 42/183 of 11 December 1987,

Taking into account the Final Act of the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, adopted on 22 March 1989,

Aware that the African Group which participated at the Conference of Plenipotentiaries at Basle did not sign the Convention of 22 March 1989,

Noting that the resolution of the Council of Ministers of the Organization of African Unity (CM/Res. 1225 (L)) held at Addis Ababa, Ethiopia, from 17 to 22 July 1989, reaffirmed the position taken by the African Group that participated at the Conference of Plenipotentiaries at Basle,

Reaffirming that the movement and dumping of toxic and dangerous products endanger basic human rights such as the right to life, and the right to the highest attainable standard of health, including in its environmental aspects,

1. Requests the United Nations Environment Programme to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal;

2. Requests the Secretary-General to submit a report on the result of the negotiations between the United Nations Environment Programme and the Organization of African Unity to the forty-seventh session of the Commission on Human Rights and forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, respectively.

52nd meeting
6 March 1990

[Adopted by 31 votes to none, with 11 abstentions. See chap. XIV.]

1990/44. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

The Commission on Human Rights,

Reaffirming the permanent validity of the principles and standards embodied in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Convinced that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and ensure the human rights and dignity of all migrant workers and their families,

Recalling General Assembly resolution 34/172 of 17 December 1979, by which the Assembly established an open-ended working group to elaborate an international convention on the protection of the rights of all migrant workers and their families,

Recalling also General Assembly resolutions 35/198 of 15 December 1980, 36/160 of 16 December 1981, 37/170 of 17 December 1982, 38/86 of 16 December 1983, 39/102 of 14 December 1984, 40/130 of 13 December 1985,

41/151 of 4 December 1986, 42/140 of 7 December 1987, 43/146 of 8 December 1988 and 44/155 of 15 December 1989, in all of which the Assembly took note of the reports of the Working Group on the Drafting of an International Convention on the Protection of the Rights of All Migrant Workers and Their Families and expressed its satisfaction with the steady and substantial progress being made by the Working Group,

Bearing in mind its own resolutions 37 (XXXVII) of 12 March 1981, 1982/35 of 11 March 1982, 1983/45 of 9 March 1983, 1984/61 of 15 March 1984, 1985/52 of 14 March 1985, 1986/58 of 13 March 1986, 1987/43 of 10 March 1987, 1988/77 of 10 March 1988 and, in particular, 1989/55 of 7 March 1989,

1. Welcomes once more the progress being made by the Working Group in the discharge of its mandate and, in particular, the headway it has made in the second reading of the draft International Convention on the Protection of the Rights of All Migrant Workers and Their Families;

2. Reiterates the request by the General Assembly that the Centre for Human Rights should carry out the technical revision of the text of the articles of the draft convention approved in second reading, with a view to ensuring uniformity of terminology and to harmonizing the versions in the official languages of the United Nations, and expresses the wish that the technical revision should be finalized before the next meeting of the Working Group in order to enable it to complete its work as soon as possible;

3. Invites all Member States to continue co-operating with the Working Group in the performance of its task;

4. Reiterates its hope that the General Assembly will complete the elaboration of the convention as soon as possible;

5. Requests the Secretary-General to inform the Commission at its forty-seventh session of the further progress made in this regard, under the agenda item "Measures to improve the situation and ensure the human rights and dignity of all migrant workers".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XIII.]

1990/45. Rights of persons belonging to national, ethnic religious and linguistic minorities

The Commission on Human Rights,

Recalling its resolutions 14 (XXXIV) of 6 March 1978, 21 (XXXV) of 14 March 1979, 37 (XXXVI) of 12 March 1980, 21 (XXXVII) of 10 March 1981, 1982/38 of 11 March 1982, 1983/53 of 10 March 1983, 1984/62 of 15 March 1984, 1985/53 of 14 March 1985, 1986/60 of 13 March 1986, 1987/47 of 10 March 1987, 1988/64 of 10 March 1988 and 1989/61 of 8 March 1989,

1. Takes note with satisfaction of the report of the open-ended working group set up by the Commission to consider the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities (E/CN.4/1990/41) and, in particular, of the progress made by the group on the completion of a first reading of the draft declaration;

2. Requests the Secretary-General to entrust the Centre for Human Rights with the preparation of a technical review of the text of the articles of the draft declaration that have been approved by the working group at its first reading, with a view, inter alia, to ensuring uniformity of terminology and to harmonizing the versions in the official languages of the United Nations, bearing in mind General Assembly resolution 41/120 of 4 December 1986;

3. Requests further the Secretary-General to invite comments, for consideration by the working group, from Governments, specialized agencies, intergovernmental and non-governmental organizations, on the text of the articles of the draft declaration approved by the working group at its first reading;

4. Invites the Secretary-General to prepare for submission to the working group an analytical compilation of the comments received in pursuance of operative paragraph 3 of the present resolution;

5. Decides to consider at its forty-seventh session the agenda item entitled "Rights of persons belonging to national, ethnic, religious and linguistic minorities";

6. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1990/45 of 6 March 1990,

"1. Authorizes an open-ended working group of the Commission on Human Rights to meet for no fewer than 10 fully-serviced meetings during the first two weeks of the forty-seventh session of the Commission to continue work on the draft declaration, by a second reading of the text, with a view to submitting it to the Commission at its forty-seventh session;

"2. Requests the Secretary-General to provide the working group with all the assistance it may require for the continuation of its drafting work."

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XX.]

1990/46. Measures to be taken against all totalitarian or other ideologies and practices, including Nazi, Fascist, and neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences

The Commission on Human Rights,

Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to promote social progress and better standards of life and greater freedom for all,

Bearing in mind that on various occasions Member States reiterated their resolve to promote the exercise of human rights and fundamental freedoms,

Noting that, nevertheless, in the contemporary world there continue to exist various forms of totalitarian ideologies and practices which entail contempt for the individual or a denial of the intrinsic dignity and equality of all human beings and of equality of opportunity in civil, political, economic, social and cultural spheres,

Emphasizing that doctrines of racial or ethnic superiority contradict the spirit and principles of the United Nations and that the application of such doctrines in practice leads to conflicts, massive and flagrant violations of human rights, and create serious obstacles to friendly relations among nations,

Acknowledging with satisfaction the fact that many States have established systems and legislation based on the inherent dignity and the equal and inalienable rights of all human beings, which are the basis of a democratic society and the best bulwark against totalitarian ideologies and practices,

Recalling its previous resolutions on the subject,

1. Condemns all totalitarian or other ideologies and practices, including Nazi, Fascist or neo-Fascist, based on racial or ethnic exclusiveness or intolerance, hatred, terror, systematic denial of human rights and fundamental freedoms, or which have such consequences;

2. Expresses its determination to resist all totalitarian ideologies, and especially their practices, which deprive people of basic human rights and fundamental freedoms and of equality of opportunity;

3. Considers that the best defence against all totalitarian ideologies lies in free and effective popular participation in democratic institutions, including in particular genuine and periodic elections, based on respect for the human rights proclaimed in the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international instruments;

4. Calls upon all States to take the necessary measures to ensure the thorough investigation and the detection, arrest, prosecution or extradition and punishment of all war criminals and persons guilty of crimes against humanity who have not yet been brought before a court and appropriately punished;

5. Calls upon all States to promote, especially among the young, respect for international law as well as human rights and fundamental freedoms.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XXI.]

1990/47. Question of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

The Commission on Human Rights,

Recalling its decision 1984/116 of 16 March 1984, under which it established an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms,

Recalling also its decision 1985/112 of 14 March 1985 that the open-ended working group should be convened at the forty-second session of the Commission, meeting pre-sessionally for one week, and its resolutions 1986/44 of 12 March 1986, 1987/52 of 11 March 1987, 1988/71 of 10 March 1988 and 1989/60 of 8 March 1989, in which the progress achieved by the working group at its first, second, third and fourth meetings was noted,

Recalling further its resolutions 23 (XXXVI) of 29 February 1980, 28 (XXXVII) of 11 March 1981, 1982/30 of 11 March 1982 and 1983/31 of 8 March 1983 concerning the role of individuals, groups and organs of society in the promotion and protection of universally recognized human rights,

Welcoming the significant progress made by the working group during its meetings prior to and during the forty-sixth session of the Commission,

Noting that the extensive discussion which took place prior to the forty-fifth session of the Commission and the provision of additional meeting time prior to the forty-sixth session contributed to this result,

1. Decides to continue at its forty-seventh session its work on the elaboration of the draft declaration on the right and responsibilility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms, on the basis of the views expressed and proposals made in the working group at its previous sessions, as well as any further proposals which may be made;

2. Decides also to make available prior to and during the forty-seventh session of the Commission appropriate meeting time for the working group;

3. Recommends the following draft resolution to the Economic and Social Council for adoption:

"The Economic and Social Council,

"Recalling Commission on Human Rights resolution 1990/47 of 6 March 1990,

"1. Authorizes an open-ended working group working group to meet for a period of eight working days prior to the forty-seventh session of the Commission on Human Rights, with a view to continuing the elaboration of a draft declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms;

"2. Requests the Secretary-General to extend all facilities to the working group for its meeting prior to and during the forty-seventh session of the Commission, and to transmit the report of the working group that met prior to and during the forty-sixth session, together with the annexes thereto, to all Member States in advance of the meeting of the working group to enable it to continue its work on the elaboration of the draft declaration."

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XXIV.]

1990/48. Situation of human rights in Cuba

The Commission on Human Rights,

Recalling the report of the mission which took place in Cuba in accordance with Commission decision 1988/106 (E/CN.4/1989/46 and Corr.1),

Aware that this report contains questions and issues which have not been fully addressed, as well as testimonies from hundreds of individuals concerning the question of human rights in Cuba,

Recalling also decision 1989/113 of 9 March 1989, in which it requested the Secretary-General to maintain contacts with the Government of Cuba on the issues and questions contained in the report,

Noting the letter of the Secretary-General to the Commission dated 29 January 1990, in which the Secretary-General informed the Commission that he has been maintaining ongoing contacts, both written and oral, with the Government of Cuba on this matter,

Expressing appreciation to the Secretary-General for his efforts in support of respect for human rights and fundamental freedoms,

Concerned by reports that witnesses who testified before the Commission's working group have since been subject to arrest, harassment, or other forms of reprisals by the Government of Cuba,

Aware of its responsibility to defend and support those who have put their faith in this body and its representatives in promoting and protecting human rights and fundamental freedoms,

1. Calls upon the Government of Cuba to honour its repeated guarantees to the representatives of the Commission who visited Cuba pursuant to decision 1988/106 that individuals who attempted to present information to these representatives would not be subject to reprisals, detention, or negative consequences of any nature whatsoever;

2. Calls upon the Government of Cuba to provide the Commission, at its forty-seventh session, with a response to the unanswered questions put to the Cuban authorities by representatives of this Commission (E/CN.4/1989/46, annex XVI) and to questions related to the documents listed in annex III of the report;

3. Welcomes the willingness of the Secretary-General to put himself at the disposal of the Commission regarding his ongoing contacts with the Government of Cuba, as expressed in his letter to the Chairman of the Commission dated 29 January 1990, and requests that he provide, under this agenda item, the results of these contacts to the forty-seventh session.

52nd meeting
6 March 1990

[Adopted by a roll-call vote of 19 to 12, with 12 abstentions. See chap. XII.]

1990/49. Situation of human rights in Albania

The Commission on Human Rights,

Recalling that the human rights situation in Albania has been under consideration by the Commission on Human Rights since 1984 under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

Bearing in mind that, in its resolution 1988/17 of 2 March 1988, the Commission on Human Rights, acting under paragraph 8 of Council resolution 1503 (XLVIII), decided to discontinue consideration of the human rights situation in Albania under the confidential procedure and to take up consideration of the matter under the public procedure provided for in Council resolution 1235 (XLII) of 6 June 1967,

Bearing in mind also Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1988/15 of 1 September 1988,

Recalling its resolution 1989/69 of 8 March 1989,

Welcoming the fact that for the first time the Government of Albania responded to the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (E/CN.4/1990/46, para. 26),

Considering however that the Government concerned has failed to respond to the specific allegations transmitted to it by the Commission's Special Rapporteur,

Concerned about the reports on the situation of human rights in Albania which, in spite of reflecting some positive developments, continue to reveal violations of human rights, especially freedom of thought, conscience and religion, the right to leave the country and the right to a fair trial with all guarantees necessary for the defence,

Noting the invitation by the Government of Albania to the Secretary-General to visit the country,

1. Calls upon the Government of Albania to provide information on the concrete manner in which constitutional and legal measures comply with the provisions of the Universal Declaration of Human Rights and to respond to the specific allegations transmitted to it by the Commission's Special Rapporteur on the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

2. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Albania and to invite it to provide the requested information;

(b) To take the present resolution into account when availing himself of the invitation by the Government of Albania to visit the country;

(c) To report to the Commission at its forty-seventh session on the results of his efforts under this resolution;

3. Decides to continue its consideration of the situation of human rights in Albania at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted by 27 votes to 3, with 12 abstentions. See chap. XII.]

1990/50. Situation of human rights in Romania

The Commission on Human Rights,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that the Governments of all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the relevant international instruments,

Recalling its resolution 1989/75 of 9 March 1989 establishing a special rapporteur with the mandate to examine the human rights situation in Romania,

Recognizing that recent events have created new and improved prospects for the human rights situation in that country,

Recognizing also the need to promote a climate favourable to establishing a social order based on full respect for human rights in Romania,

Welcoming the positive attitude of the Government of Romania towards the Special Rapporteur and its willingness to continue to co-operate with him,

Convinced that the continued services of the Special Rapporteur will be of benefit to the Government and people of Romania during the present period of transition towards full respect for human rights and fundamental freedoms in Romania,

1. Takes note with appreciation of the reports of the Special Rapporteur (E/CN.4/1990/28 and Add.1);

2. Takes note of the considerable improvement in respect for human rights that has taken place in Romania;

3. Recommends that the Romanian authorities continue their action to ensure that human rights in all their aspects are respected in their country, both de jure and de facto, and pay particular attention to the points raised in the Special Rapporteur's latter report (E/CN.4/1990/28/Add.1);

4. Also recommends that the Romanian authorities consider the possibility of using the United Nations Voluntary Fund for Advisory Services as suggested by the Special Rapporteur in his report;

5. Decides to extend the mandate of the Special Rapporteur for a further year;

6. Requests the Special Rapporteur to report to the Commission at its forty-seventh session;

7. Takes note with appreciation of the readiness of the Government of Romania to co-operate with the Commission and its Special Rapporteur;

8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur to enable him to carry out his mandate in the best possible conditions;

9. Decides to continue its consideration of the human rights situation in Romania at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/51. Summary or arbitrary executions

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, in which it is stated that every human being has the inherent right to life, that this right shall be protected by law, and that no one shall be arbitrarily deprived of his life,

Recalling General Assembly resolution 34/175 of 17 December 1979, in which the Assembly reaffirmed that mass and flagrant violations of human rights were of special concern to the United Nations and urged the Commission on Human Rights to take timely and effective action in existing and future cases of mass and flagrant violations of human rights,

Mindful of General Assembly resolutions 36/22 of 9 November 1981, 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 4 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988 and 44/159 of 15 December 1989,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1982/13 of 7 September 1982, in which the Sub-Commission recommended that effective measures should be adopted to prevent the occurrence of summary or abritrary executions,

Welcoming Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the

death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, as well as the ongoing work on summary and arbitrary executions within the Committee on Crime Prevention and Control,

Welcoming also the close co-operation established between the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs and the Committee on the effective prevention and investigation of arbitrary and summary executions, including extra-legal executions,

Recalling the adoption of Economic and Social Council resolution 1989/65 of 24 May 1989 containing the Principles on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions,

Recalling also the adoption of Economic and Social Council resolution 1989/64 of 24 May 1989 entitled "Implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty" and the recommendations contained therein,

Deeply alarmed at the occurrence, on a large scale, of summary or arbitrary executions, including extra-legal executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Strongly condemns, once again, the large number of summary or arbitrary executions, including extra-legal executions, which continue to take place in various parts of the world;

2. Appeals urgently to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

3. Takes note with appreciation of the report of the Special Rapporteur, Mr. S. Amos Wako, (E/CN.4/1990/22 and Corr.1 and Add.1) and welcomes his recommendations with a view to eliminating summary or arbitrary executions;

4. Decides to continue the mandate of the Special Rapporteur for two years in order to enable him to submit further conclusions and recommendations to the Commision;

5. Requests the Special Rapporteur, in carrying out his mandate, to continue to examine situations of summary or arbitrary executions;

6. Also requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened or when such an execution has occurred;

7. Encourages Governments, international organizations and non-governmental organizations to set up training programmes and to support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

8. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

9. Also requests the Secretary-General to consider ways of publicizing, particularly within the framework of the information activities of the Centre for Human Rights, the work of the Special Rapporteur as well as his recommendations;

10. Urges all Governments, in particular those which have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned, to co-operate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

11. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to be respected;

12. Decides to consider the question of summary or arbitrary executions at its forty-seventh session, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/52. Human rights and mass exoduses

The Commission on Human Rights,

Mindful of its general humanitarian mandate under the Charter of the United Nations to promote and encourage respect for human rights and fundamental freedoms,

Deeply disturbed by the continuing scale and magnitude of exoduses of refugees and displacements of population in many regions of the world and by the human suffering of millions of refugees and displaced persons,

Conscious of the fact that human rights violations are one of the multiple and complex factors causing mass exoduses of refugees and displaced persons, as indicated in the study of the Special Rapporteur on this subject (E/CN.4/1503) and also in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees (A/41/324, annex),

Aware of the recommendations concerning mass exoduses which it has made to the Sub-Commission on Prevention of Discrimination and Protection of Minorities and to the special rapporteurs when studying violations of human rights in any part of the world,

Deeply preoccupied by the increasingly heavy burden being imposed, particularly upon developing countries with limited resources of their own, and upon the international community as a whole, by these sudden mass exoduses and displacements of population,

Stressing the need for international co-operation aimed at averting new massive flows of refugees in parallel with the provision of durable solutions to actual refugee situations,

Taking note once again of the report of the Secretary-General on human rights and mass exoduses (A/38/538),

Welcoming the endorsement by the General Assembly, at its forty-first session, of the recommendations and conclusions contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees,

Recalling General Assembly resolution 44/164 of 15 December 1989, endorsing the recommendation of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees that the principal

organs of the United Nations should make fuller use of their respective competencies under the Charter of the United Nations for the prevention of ne massive flows of refugees and displaced persons,

Recalling also its own resolution 1989/63 of 8 March 1989, as well as al previous relevant resolutions of the General Assembly and the Commission on Human Rights,

Welcoming the steps taken so far by the United Nations to examine the problem of massive outflows of refugees and displaced persons in all its aspects, including its root causes,

Bearing in mind the statement made at its forty-sixth session by the United Nations High Commissioner for Refugees, who drew attention to the complexity of the global refugee problem, the need for a comprehensive approach addressing the concerns of all the different groups involved and the important role to be played in this regard by human rights institutions,

Noting that the Executive Committee of the High Commissioner's Programme has specifically acknowledged the direct relationship between observance of human rights standards, refugee movements and problems of protection,

Recalling the invitation made by the General Assembly in resolution 44/164 to keep the question of human rights and mass exoduses under review with a view to supporting the early warning arrangement instituted by the Secretary-General to avert new massive flows of refugees and displaced persons,

1. Invites again all Governments and intergovernmental and humanitarian organizations concerned to intensify their co-operation and assistance in world-wide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, and also the causes of such exoduses;

2. Requests all Governments to ensure the effective implementation of the relevant international instruments, in particular in the field of human rights, as this would contribute to averting new massive flows of refugees and displaced persons;

3. Takes note of the report of the Secretary-General on human rights and mass exoduses (A/44/622);

4. Encourages the Secretary-General to continue to take the necessary steps to discharge the function and responsibilities described in the report

of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees, including the continuous monitoring of all potential outflows;

5. Welcomes the call by the Executive Committee of the High Commissioner's Programme for a working group to examine refugee protection and durable solutions in a coherent and comprehensive manner;

6. Requests the Secretary-General to continue to develop the role of the Office for Research and the Collection of Information to strengthen the co-ordination of information gathering and analysis with agencies so as to provide early warning of developing situations requiring the Secretary-General's attention, as well as to provide a focal point within the United Nations system for policy response, including identification of policy options for the Secretary-General;

7. Also requests the Secretary-General to make the necessary information available to the competent United Nations organs;

8. Urges the Secretary-General to use the resources available to consolidate and strengthen the system for undertaking early warning activities in the humanitarian area by, inter alia, computerization of the Office for Research and the Collection of Information and strengthened co-ordination among the relevant parts of the United Nations system, especially the Office for Research and the Collection of Information, the Office of the United Nations High Commissioner for Refugees, the Centre for Human Rights and the relevant specialized agencies and ensuring that data collection and information handling processes are harmonized and, where possible, that use be made of computerized systems;

9. Looks forward to the Secretary-General's report to the General Assembly at its forty-fifth session on the strengthened role that the Secretary-General could play in undertaking early warning activities, especially in the humanitarian area, as well as any further developments relating to the recommendations contained in the report of the Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees;

10. Decides to continue consideration of the question of human rights and mass exoduses at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/53. Situation of human rights in Afghanistan

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977,

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Governments have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its relevant resolutions as well as the resolutions of the General Assembly and the decisions of the Economic and Social Council,

Emphasizing the relevance and validity for all parties concerned of the Agreements on the Settlement of the Situation relating to Afghanistan, concluded at Geneva on 14 April 1988 (S/19835, annex I), which constitute an important step towards a comprehensive political solution,

Noting with deep concern that a situation of armed conflict continues to exist in Afghanistan, that acts of terrorism against civilians have significantly increased, that the treatment of prisoners detained in connection with the conflict does not conform to the humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and their Additional Protocols of 1977, that more than five millian refugees are living outside Afghanistan and that many Afghans are displaced within the country,

Aware that the reasons given by the refugees for not returning to Afghanistan, pending the achievement of a comprehensive political solution and the establishment of a broad-based government, include the continued fighting

in some provinces, the use of very destructive arms in the conflict, the minefields that have been laid in many parts of the country, the lack of an effective authority in many provinces and other obstacles which would be encountered by refugees in returning to Afghanistan,

1. Takes note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan (E/CN.4/1990/25) and of the conclusions and recommendations contained therein;

2. Welcomes the co-operation of the Afghan authorities with the Special Rapporteur;

3. Welcomes the co-operation that the Afghan authorities have extended to international organizations, in particular to the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan, the specialized agencies of the United Nations, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

4. Urges all parties concerned to work for the achievement of a comprehensive political solution based on the right of self-determination and for the creation of a situation that will permit the return of refugees and the full enjoyment of human rights by all Afghans;

5. Also urges all parties to the conflict to respect the Geneva Conventions of 1949 and their Additional Protocols of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisals and violence, including ill-treatment, torture and summary execution, to transmit to the International Committee of the Red Cross the names of all prisoners, as well as to grant to the ICRC unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon the Afghan authorities to investigate thoroughly the fate of disappeared persons, to apply amnesty decrees equally to foreign detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or in custody in juvenile rehabilitation centres, in accordance with the Standard Minimum Rules for the Treatment of Prisoners, and to apply to all convicted persons article 14, paragraph 3 (d), and paragraph 5, of the International Covenant on Civil and Political Rights;

7. Notes with concern the allegations of atrocities committed against Afghan soldiers, civil servants and captured civilians;

8. Expresses its concern at reports that the living conditions of refugees, especially those of women and children, are becoming increasingly difficult because of the decline in international humanitarian assistance;

9. Urgently appeals to all Member States, humanitarian organizations and all parties concerned to co-operate fully, especially on the subject of mine detection, in order to facilitate the return of refugees and displaced persons to their homes in safety and dignity in conformity with the Geneva Agreements;

10. Urgently appeals to all Member States and humanitarian organizations to promote the implementation of the projects envisaged by the Special Co-ordinator for Humanitarian and Economic Assistance relating to Afghanistan and the programmes of the United Nations High Commissioner for Refugees;

11. Urges all parties concerned to extend their full co-operation to the Commission on Human Rights and its Special Rapporteur;

12. Decides to extend the mandate of the Special Rapporteur for one year and to request him to report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the situation of human rights in Afghanistan;

13. Requests the Secretary-General to give all necessary assistance to the Special Rapporteur;

14. Decides to continue its consideration of the human rights situation in Afghanistan at its forty-seventh session, as a matter of high priority, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

52nd meeting
6 March 1990

[Adopted without a vote. See chap. XII.]

1990/54. Situation of human rights in southern Lebanon

The Commission on Human Rights,

Gravely concerned by the persisting practices of the Israeli occupation forces in southern Lebanon, which constitute a violation of the principles of international law regarding the protection of human rights, in particular the Universal Declaration of Human Rights, as well as a grave violation of the relevant provisions of international humanitarian law as contained in the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and The Hague Convention IV of 1907,

Recalling its deep regret at Israel's failure to implement Security Council resolution 425 (1978) of 19 March 1978 and 509 (1982) of 6 June 1982,

Re-affirming that the continued occupation and the practices of the Israeli forces constitute a violation of the resolutions of the Security Council as well as of the will of the international community and the conventions in force in this respect,

Gravely concerned by the impeding of the International Committee of the Red Cross and other humanitarian organizations from accomplishing their humanitarian mission in the occupied area of southern Lebanon, in particular to ascertain reports of ill-treatment of detainees in Khiam and Marjeyoun detention centres,

Recalling its previous resolutions in this respect, the latest being resolution 1989/65 of 8 March 1989,

1. Condemns the continued Israeli violations of human rights in southern Lebanon, manifested particularly by the arbitrary detention of the civilian population, the destruction of their homes, the confiscation of their property, their expulsion from the occupied area, the bombardment of villages and civilian areas, and other practices violating human rights;

2. Calls upon Israel to put an immediate end to such practices and to implement the above-mentioned resolutions of the Security Council which require the immediate, total and unconditional withdrawal of Israel from all Lebanese territory and respect for the sovereignty, independence and territorial integrity of Lebanon;

3. Also calls upon the Government of Israel in its capacity as the occupying power in southern Lebanon to comply with the Geneva Conventions of 1949, specifically the fourth Convention relative to the Protection of Civilian Persons in Time of War;

4. Further calls upon the Government of Israel, the occupying power in southern Lebanon, to facilitate the humanitarian mission of the International Committee of the Red Cross and other humanitarian organizations in that region and, in particular, to allow these organizations to visit the detention centres of Khiam and Marjeyoun and to ascertain the conditions of detainees;

5. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation thereof;

(b) To report to the General Assembly at its forty-fifth session and to the Commission on Human Rights at its forty-seventh session on the results of his efforts in that regard;

6. Decides to continue its consideration of the situation of human rights in southern Lebanon at its forty-seventh session.

52nd meeting
6 March 1990

[Adopted by a roll-call vote of 40 to 1, with 1 abstention. See chap. XII.]

B. Decisions

1990/104. Question of human rights in Cyprus

At its 44th meeting, on 28 February 1990, the Commission decided, without a vote, that the debate under agenda item 12 (a) (Questions of human rights in Cyprus) should be postponed to the forty-seventh session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation.

[See chap. XII.]

1990/105. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

At its 52nd meeting, on 6 March 1990, the Commission, noting Sub-Commission on Prevention of Discrimination and Protection or Minorities resolution 1989/44 of 1 September 1989, endorsed the decision of the Sub-Commission to entrust Mr. Asbjørn Eide with the task of preparing a study of national experience in the protection of minorities, and decided to request the Secretary-General to give Mr. Eide all the assistance which may be necessary for the completion of this task.

[See chap. XX.]